

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Michael Anthony Glover, #902282,)	C.A. No. 8:05-01622-TLW-BHH
)	
Petitioner,)	
)	
vs.)	ORDER
)	
Lexington County Detention Center)	
and Officer NFN Moore,)	
)	
Defendants.)	
)	

The *pro se* plaintiff, an inmate at the Lexington County Detention Center, seeks relief under Title 42, United States Code, Section 1983. (Doc. # 1). An initial Report and Recommendation was issued on June 20, 2005 before the defendants filed an answer. (Doc. #5). However, an order granting the defendants an extension of time to answer the complaint was sent to the plaintiff and returned as, “undeliverable” on October 21, 2005. (Doc. #23). On October 28, 2005, the defendants moved to dismiss the plaintiff’s case for failure to prosecute. (Doc. #25). Since then, several other documents sent to the plaintiff have been returned as, “undeliverable / released.” (Docs. #27, #28, #30). Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised by Order filed October 31, 2005 that he had thirty-four (34) days to file any material in opposition to the motion to dismiss. (Doc. # 26). Neither the motion to dismiss, nor the Roseboro Order, was returned to the clerk of court’s office. The plaintiff did not reply to the motion to dismiss or Roseboro order; therefore, on February 17, 2006, Magistrate Judge Bruce Howe Hendricks issued a Report and Recommendation to dismiss the claim. (Doc. #29). The Report and Recommendation

was returned to the clerks office marked “undelivered / released.” (Doc. #30). This matter is now before the Court upon Magistrate Judge Bruce Howe Hendricks’ recommendation that the defendants’ motion to dismiss be granted. (Doc. #29). Since then, no objections to the Report have been filed. The Magistrate Judge concludes, “the plaintiff no longer wishes to pursue this action.” This Court finds no basis to conclude otherwise. Apparently, the plaintiff has had no communication with the Court since the complaint was filed.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge’s Report is **ACCEPTED** (Doc. # 29), and defendants’ motion to dismiss judgment is **GRANTED** (Doc. # 25).

IT IS SO ORDERED.

S/ Terry L. Wooten

TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

May 3, 2006
Florence, South Carolina